

SESSION OF 2002

**CONFERENCE COMMITTEE REPORT
HOUSE BILL NO. 2729**

As Agreed to May 3, 2002

Brief *

HB 2729 would change the Workers Compensation Act as follows:

- Provide that limited liability company members will be defined the same as individual employers, partners, and self-employed persons.
- Provide that individuals receiving death benefits will continue to file an annual statement. The change requires the annual statement to be filed with the insurance carrier or self-insured employers group funded workers compensation pool. Current law requires the filing of such statements with the Director of Workers Compensation and the employer.
- Provide that workers compensation records that are open to the public will no longer include a person's Social Security number unless there is (1) an order of the court; or (2) to the worker upon written request.
- Provide that the Secretary of Revenue must disclose to the Director of Workers Compensation certain taxpayer information to be used for verification of workers compensation data files.
- Clarify that attorney fees and costs that may be awarded by the administrative law judge in a workers compensation case could include witness fees, mileage allowances, any costs associated with reproduction of documents that become a part of the hearing record, and the expense of making a record of the hearing.

*Conference committee summary reports are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree.

- Provide guidelines and procedures for the recusal of a workers compensation administrative law judge.
- Allow insurers to voluntarily submit claims information electronically to the Director of Workers Compensation.

Background

The original bill contained recommendations of the Workers Compensation Advisory Council. The Kansas Trial Lawyers Association found no problems with the original bill.

The Senate Committee amended the bill to include provisions clarifying the attorney fees and costs that may be awarded by an administrative law judge in a workers compensation case, providing guidelines and procedures for the recusal of a workers compensation administrative law judge, providing for the appointment of a member of the medical fees advisory panel by the Kansas Physical Therapy Association, and allowing insurers to voluntarily submit claims information electronically to the Director of Workers Compensation.

The fiscal note on the original bill indicated no fiscal effect.

After consulting with the Workers Compensation Advisory Board, the Conference Committee was told that the Board could support three of the four Senate amendments to the bill. These amendments would:

- Clarify that attorney fees and costs that may be awarded by the administrative law judge in a workers compensation case could include witness fees, mileage allowances, any costs associated with reproduction of documents that become a part of the hearing record, and the expense of making a record of the hearing.
- Provide guidelines and procedures for the recusal of a workers compensation administrative law judge.
- Allow insurers to voluntarily submit claims information electronically to the Director of Workers Compensation.

The Board reported that they could not support the Senate amendment which would have provided for the appointment of an additional member of the medical fees advisory panel from the Kansas

Physical Therapy Association. This provision was subsequently removed from the bill by the Conference Committee.

The Conference Committee also recommended several technical changes to the bill which would (1) correct typographical errors and (2) modify the provision allowing for electronic submission of claims information by changing a date to more accurately reflect the most recent amendments to a publication mentioned in the bill.